City Council Communication

Department: Community Development Cases #SAV-23-002, #CP-23-002, and #ZC-23-005 Applicants: Monte Froelich d/b/a 1700 Council Bluffs, LP & Almond Opportunity, LLC 129 N. 10th Street, Suite 313 Lincoln, NE 68508 City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Resolution: Ordinance:	CASE #ZC-23-005 1st Consideration: 3/27/23 2nd Consideration: 4/10/23 3rd Consideration: 4/24/23 CASE #CP-23-002: 4/10/23 Planning Commission: 3/14/2023

Subject/Title

Requests: Combined public hearings on the request of Monte Froehlich d/b/a 1700 Council Bluffs, LP and Almond Opportunity, LLC, and the City of Council Bluffs, to rezone property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition from I-2/General Industrial District to R-2/Two-Family Residential District, and Lots 7 through 12, Block 36, Fleming and Davis Addition, along with the Easterly 16 feet of the Southerly 686 feet of the SE ¼ SW ¼ of Section 35-75-44, except the Southerly 178 feet of the Northerly 323 feet of said Southerly 686 feet from R-2/Two-Family Residential District to I-2/General Industrial District; and to vacate and dispose of 16th Avenue right-of-way lying south of Lots 7-12, Block 36, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying properties legally described as Lots 13 through 24, Block 27; and Lots 13 through 24, Block 31, along with the South ½ of the vacated alley abutting Lots 18 through 20 and the West ½ of Lot 17; and all of Blocks 30, 34 and 35, all in Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa from 'Light Industrial' to 'Medium-Density Residential.

Location: An area of the City located between South 15th Street and the Union Pacific Railyard from 14th Avenue to 16th Avenue.

Background/Discussion

The Community Development Department has received applications from Monte Froehlich d/b/a 1700 Council Bluffs, LP and Almond Opportunity, LLC for the following requests:

1. **CASE #ZC-23-005:**
    A. Rezone property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa from I-2/General Industrial District to R-2/Two-Family Residential District.
    B. Rezone property legally described as Lots 7 through 12, Block 36, Fleming and Davis Addition, along with the Easterly 16 feet of the Southerly 686 feet of the SE ¼ SW ¼ of Section 35-75-44, except the Southerly 178 feet of the Northerly 323 feet of said Southerly 686 feet, City of Council

Bluffs, Pottawattamie County, Iowa from R-2/Two-Family Residential District to I-2/General Industrial District.

2. **CASE #CP-23-002:** Amend the *Bluffs Tomorrow: 2030 Plan (Comprehensive Plan)* by reclassifying properties legally described as Lots 13 through 24, Block 27; and Lots 13 through 24, Block 31, along with the South ½ of the vacated alley abutting Lots 18 through 20 and the East ½ of Lot 17; and all of Blocks 30, 34 and 35, all in Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa from 'Light Industrial' to 'Medium-Density Residential'.

3. **CASE #SAV-23-002:** Vacate and dispose of 16th Avenue right-of-way lying south of Lots 7-12, Block 36, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa.

The purpose of these requests is to allow the applicant to complete the following actions in association with their IceCap cold storage facility at 1720 16th Avenue:

- Install a gated entrance along 16th Avenue, lying west of S. 17th Street, for their cold storage facility;
- Provide additional truck parking adjacent to their gated entrance; and
- Construct eight single-family residential dwellings for their workforce along 14th Avenue, between South 16th and South 17th Streets.

CASES #ZC-23-005 and #CP-23-002

The applicant is in the process of developing their property at 1720 16th Avenue into a cold storage facility. They recently acquired 1608 and 1632 14th Avenue and intend to partner with NeighborWorks Home Solutions to construct workforce housing (eight, single-family detached dwellings) on the subject property (see Attachment 'C'). The applicant proposes to rezone said properties from I-2/General Industrial District to R-2/Two-Family Residential District to allow for the future residential development and to remain consistent with the surrounding R-2 zoning designation.

Additionally, the applicant is in the process of acquiring a 16' x 508' strip of undeveloped land from Union Pacific, which abuts their property to the immediate east/northeast, and they intend to incorporate said strip of land, along with undeveloped properties legally described as: Lots 7-12, Block 36, Fleming and Davis Addition, into their IceCap Cold Storage campus. The applicant proposes to rezone said properties from R-2/Two Family Residential District to I-2/General District for zoning consistency with their existing cold storage site. The 16' x 508' strip of undeveloped land will be incorporated into their cold storage facility's landscape buffer/stormwater detention area, and Lots 7-12, Block 36, Fleming and Davis Addition will be developed as a truck trailer storage lot (see Attachment D).

The following tables summarize existing land uses and zoning districts surrounding the subject parcels that are proposed to be rezoned.

Lots 13-24, Block 27, Fleming and Davis Addition

Direction	Existing Zoning Districts	Existing Land Uses
North	I-2/General Industrial	Storage yard
South	R-2/Two Family Residential District and I-2/General Industrial	Single-family residential dwellings, Central Body Company, and undeveloped land
East	I-2/General Industrial	Undeveloped land and a single-family residential dwelling
West	I-2/General Industrial	Undeveloped land and a single-family residential dwelling

Lots 7-12, Block 36, Fleming and Davis Addition

Direction	Existing Zoning Districts	Existing Land Uses
North	R-2/Two Family Residential District	Single-family dwellings
South	I-2/General Industrial	IceCap cold storage and undeveloped land
East	R-2/Two Family Residential District	Single-family dwellings
West	R-2/Two Family Residential District and I-2/General Industrial	Undeveloped strip of land, and IceCap cold storage

The 16' x 508' strip of undeveloped land, located immediately east/northeast of IceCap's cold storage facility

Direction	Existing Zoning Districts	Existing Land Uses
North	I-2/General Industrial	U.P Railroad
South	I-2/General Industrial	IceCap cold storage and undeveloped land
East	R-2/Two Family Residential District	Single-family dwellings
West	I-2/General Industrial	IceCap cold storage

A location/zoning map is included with this report as Attachment 'A.'

The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject properties as 'Light Industrial' (see Attachment B). The proposed residential development on properties legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition (1608 and 1632 14th Avenue) is in conflict with the current 'Light Industrial' designation of this plan. Rather than reassign a 'Medium-Density Residential' designation to said properties described above, the Community Development Department expanded the request to include all residential properties in the surrounding neighborhood, located west of South 15th Street and east of South 17th Street and between 14th and 16th Avenues. When the Bluffs Tomorrow: 2030 Plan was adopted in 2014, it was anticipated this residential neighborhood would be redeveloped with industrial uses due to the condition of the housing stock and proximity to the Union Pacific railyard. In the nine years since the adoption of the Bluffs Tomorrow: 2030 Plan, the subject area has remained residential in nature. A 'Medium-Density Residential' future land use designation would support the proposed workforce housing and provide a basis for neighborhood stability for the existing residential properties.

City staff did not expand the comprehensive plan amendment to include the residential properties and undeveloped land lying west of South 17th Street, between 14th and 16th Avenue, due to their proximity to IceCap and the Union Pacific Railroad. Furthermore, the applicant owns half of the parcels and may acquire additional properties in this area of the City to expand their cold storage facility in the future.

Public notices were mailed to all property owners within 200 feet of the subject rezoning and to all property owners included in the proposed comprehensive plan amendment. The City received one general inquiry about the purpose of comprehensive amendment/rezoning from an anonymous property owner. Additionally, all City Departments and local utility providers were notified about the proposed comprehensive amendment/rezoning requests. No comments in opposition to either request were received as of the date of this report.

CASE #SAV-23-002

The applicant has submitted an application to vacate and dispose of a section of 16th Avenue right-of-way lying west of South 17th Street and south of properties legally described as: Lots 7-12, Block 36, Fleming and Davis Addition, City of Council Bluffs, Iowa. The purpose of this vacation is to allow the applicant to acquire additional land area to create a secured entrance and private road for their cold storage facility at 1720 16th Avenue. The subject right-of-way measures approximately 86' x 180' and will cost $6,020.00 to be acquired, based on the City's adopted fee schedule.

The Community Development routed the street vacation request to all City Departments and local utility providers for comments. MidAmerican Energy and Council Bluffs Water Works confirmed they have existing utilities within the subject right-of-way that must be protected by an easement. The resulting easement would prevent any structures or barricades (i.e., fences) from being constructed in the vacated right-of-way. The Community Development Department forwarded this information to the applicant and they requested the street vacation be postponed until the April 11, 2023 City Planning Commission meeting so they can work with said utility providers to determine the best course of action to protect their infrastructure when 16th Avenue is vacated.

Recommendation

The Community Development Department recommends:

1. Approval to rezone property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa from I-2/General Industrial District to R-2/Two-Family Residential District.
2. Approval to rezone property legally described as Lots 7 through 12, Block 36, Fleming and Davis Addition, along with the Easterly 16 feet of the Southerly 686 feet of the SE ¼ SW ¼ of Section 35-75-44, except the Southerly 178 feet of the Northerly 323 feet of said Southerly 686 feet, City of Council Bluffs, Pottawattamie County, Iowa from R-2/Two-Family Residential District to I-2/General Industrial District.
3. Approval to amend the *Bluffs Tomorrow: 2030 Plan (Comprehensive Plan)* by reclassifying properties legally described as Lots 13 through 24, Block 27; and Lots 13 through 24, Block 31, along with the South ½ of the vacated alley abutting Lots 18 through 20 and the East ½ of Lot 17; and all of Blocks 30, 34 and 35, all in Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa from 'Light Industrial' to 'Medium-Density Residential'.
4. Continue the public hearing to vacate and dispose of 16th Avenue right-of-way lying south of Lots 7-12, Block 36, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa to the April 11, 2023 City Planning Commission meeting.

Public Hearing

Staff speaker for the request:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. David Clausen, Director of Acquisitions, Dispositions and Development, U.S. Property, 129 N. 10th Street, Suite 313, Lincoln, NE 68508

Speakers against: None

The City Planning Commission recommended:

1. Approval to rezone property legally described as Lots 13 through 24, Block 27, Fleming and David Addition, City of Council Bluffs, Pottawattamie County, Iowa from I-2/General Industrial District to R-2/Two-Family Residential District.
2. Approval to rezone property legally described as Lots 7 through 12, Block 36, Fleming and Davis Addition, along with the Easterly 16 feet of the Southerly 686 feet of the SE ¼ SW ¼ of Section 35-75-44, except the Southerly 178 feet of the Northerly 323 feet of said Southerly 686 feet, City of Council Bluffs, Pottawattamie County, Iowa from R-2/Two-Family Residential District to I-2/General Industrial District.
3. Approval to amend the Bluffs Tomorrow: 2030 Comprehensive Plan by reclassifying properties legally described as Lots 13 through 24, Block 27; and Lots 13 through 24, Block 31, along with the South ½ of the vacated alley abutting Lots 18 through 20 and the East ½ of Lot 17; and all of Blocks 30, 34 and 35, all in Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa from 'Light Industrial' to 'Medium Density Residential'; and
4. Continue the public hearing to vacate and dispose of 16th Avenue right-of-way lying south of Lots 7-12, Block 36, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa to the April 11, 2023 City Planning Commission meeting.

VOTE: AYE – Bass, Halm, Hutcheson, Knauss, Opperman, Rater, Rew, Scott, and Van Houten. NAY - None ABSTAIN – None. ABSENT – Bailey and Stroebele. VACANT - None Motion: Carried.

Attachments

Attachment A: Location/right-of-way vacation/zoning map
Attachment B: Future land use plan amendment map
Attachment C: Proposed residential development layout plan
Attachment D: IceCap storage site plan

Prepared by: Christopher N. Gibbons, Planning Manager